

U.S. Patent Application No. 10/694,659
Request for Reconsideration dated May 25, 2006
Reply to Office Action dated March 6, 2006

REMARKS/ARGUMENTS

Reconsideration and continued examination of the above-identified application are respectfully requested.

The Examiner at pages 2-6 of the present Office Action now rejects claims 1-11, 16-27, and 30 under 35 U.S.C. §103(a) as being unpatentable over Bacus et al. (U.S. Patent No. 6,396,941) in view of the newly-applied secondary reference of Takagi (U.S. Patent Application Publication No. 2003/0193025 A1).

The Examiner essentially relies on Bacus in the same manor as in the previous Office Actions. The Examiner further relies on Takagi to assert that displaying simultaneously different images obtained from different observation conditions would be obvious. The Examiner further asserts that it would be obvious to one having ordinary skill in the art to use the display setting of Takagi in Bacus. For the following reasons this rejection is respectfully traversed.

The Takagi reference, however, is not prior art and therefore this rejection should be withdrawn. In particular, the present application is entitled to a priority date of October 29, 2002 under 35 U.S.C. §119 by virtue of the priority to the Japanese application. The Office Action acknowledged that claim to priority. The earliest date by which Takagi would qualify as prior art is that reference's U.S. filing date of April 10, 2003 under 35 U.S.C. §102(e)/§103. Submitted with this response is a certified English translation of the original Japanese patent application (Japanese Application No. P.2002-314904). From the attached certified English translation of the Japanese priority document, it is clear that the claims as pending are fully supported. Therefore, the present application is entitled to the priority filing date of October 29, 2002. Therefore, Takagi is not prior art to the present application. For these reasons, this rejection should be withdrawn.

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At pages 6-7 of the Office Action, the Examiner rejects claims 19, 28, and 29 under 35 U.S.C. §103(a) as being unpatentable over Bacus et al. in view of Takagi in further view of the previously applied reference of Fairley (U.S. Patent Application Publication No. 2002/0118359). The Examiner is essentially relying on Bacus et al. in the same manner as in the previous Office Action and is relying on Takagi as discussed above and further is relying on Fairley as in the previous Office Action. For the following reasons, this rejection is respectfully traversed.

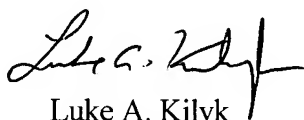
As set forth above, Takagi is not prior art to the present invention. Therefore, this rejection should be withdrawn for the same reason.

CONCLUSION

In view of the foregoing remarks, the applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



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